

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**AUGUST 18, 2003**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBAN DALE, IOWA**

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**MEETING MINUTES****CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, August 18, 2003, in the Ingram Office Building, Urbandale, Iowa.

**MEMBERS PRESENT**

Lisa Davis Cook, Secretary  
Lori Glanzman  
Kathryn Murphy, Chair  
Darrell Hanson, Vice Chair  
Francis Thicke  
Terrance Townsend  
Jerry Peckumn  
Heidi Vittetoe  
Donna Buell

**MEMBERS ABSENT****ADOPTION OF AGENDA**

The following adjustments were made to the agenda:

- Add: Linda Hanson – Update on Fiscal Year '05 budget
- Add: 1:00 Appointment – Dr. Peter Weyer “Monitoring of Private Wells in Incorporated Areas” study

Kathryn Murphy said that Items 14 – Denial of Petition for Rule Making – Agribusiness Association of Iowa, et. al. and 15 – Denial of Petition for Rule Making – Iowa Citizens for Community Improvement have both requested a thirty day extension to continue collaboration and working discussions with the Department.

*Motion was made by Darrell Hanson to table Items 14 and 15. Seconded by Lori Glanzman. Motion carried unanimously.*

*Motion was made by Lisa Davis Cook to approve the agenda as amended. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS AMENDED**

**APPROVAL OF MINUTES**

*Motion was made by Lori Glanzman to approve the minutes from the July 21, 2003 meeting. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED****DIRECTOR'S REPORT**

Jeff Vonk said that the Department is interested in having a joint NRC and EPC planning session. This would be a full day retreat in November or early December to discuss the Commission's role with the Department and looking at the Iowa Excellence Initiative plan and developing a departmental strategic plan.

The Governor's Water Quality Summit will be held on November 24 and 25 at the Scheman Center in Ames. We are currently forming pre-conference work groups to look at issues around water quality including nutrients, available programs for mitigation improvement, looking at point sources and non-point sources, and the impaired waters list.

Linda Hanson updated the Commission on the Department's budget for FY 05 and the action that is taken. Prior to the September meeting, you will receive a packet of information on the department's proposed budget request. At the September EPC meeting you will be asked to approve the proposal. If there are any questions or you would like to know more about the proposals, you can contact myself, Jeff Vonk or Liz Christiansen. The date for filing is October 1, 2003.

Linda Hanson gave an overview of the Charter Agency and what it involves.

Wayne Gieselman said the Department was notified this morning that the P2 Intern Program won the national award for the best environmental performance.

**INFORMATIONAL ONLY****CONTRACT – SENECA ENVIRONMENTAL SERVICES - IOWA USTFIELDS PROJECT – CITY OF CLINTON****Recommendation:**

Commission approval is requested for a two year, \$100,000 contract with **Seneca Environmental Services, 17851 244<sup>th</sup> Avenue, Bettendorf, Iowa** to provide the technical services to achieve the objectives of the Iowa USTfields Project - City of Clinton. It is anticipated that the contract will begin on September 22, 2003 and end on September 22, 2005.

Additional one year contract extensions are possible for completion of Tier 1 and Tier 2 reports and corrective actions.

**Background:**

In 2002, EPA's Office of Underground Storage Tanks (OUST) competitively selected 40 state and tribal USTfields Pilot Projects nationwide in which funds will be spent to assess and clean up petroleum contamination from federally-regulated underground storage tank sites at idle or abandoned commercial properties. Each pilot project was awarded up to \$100,000 of Leaking Underground Storage Tank (LUST) Trust Funds to assess and clean up petroleum and methy-tertiary butyl ether (MTBE) contamination. Sites located in the Liberty Square Redevelopment Area within the City of Clinton were selected as one of the pilot projects. This project is referred to as the Iowa USTfields Project – City of Clinton.

**Purpose:**

The purpose of this contract is to provide the services necessary to complete the objectives of the Iowa USTfields Project - City of Clinton. Services that will be required are to identify potential underground storage tank sites, conduct permanent tank/piping closure, prepare Tier 1 and Tier 2 reports, conduct corrective action activities and prepare a final report of project activities. This contract will be funded by a grant from the US EPA and administered through a Cooperative Agreement between the EPA and the Iowa Department of Natural Resources. The Cooperative Agreement No. for this project is LP987254 01.

The Iowa Department of Natural Resources (IDNR) is the issuing agency of the contract. IDNR will work in partnership with the City of Clinton, EPA, the Iowa Underground Storage Tank Financial Responsibility Program and the awarded consulting firm to assess and clean up the contamination at sites within this project area. Work performed will be regulated under the Iowa Administrative Code, Section 567, Chapter 135, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks.

**Consulting Firm Selection Process:**

In response to the Iowa USTfields Project – City of Clinton RFP, six proposals were received from the following consulting firms: Seneca Environmental Services, 17851 244<sup>th</sup> Avenue, Bettendorf, Iowa; Barker Lemar Engineering Consultants, 1300 Cummins Road, Suite 201, Des Moines, Iowa; Terracon, 870 40th Ave, Bettendorf, Iowa; Howard R. Green Company, 8710 Earhart Lane SW, Cedar Rapids, Iowa; Arrowhead Contracting, Inc., 4200 Corporate Drive, Suite 102, West Des Moines, Iowa; and Northern Environmental Technologies, Inc., 3349 Southgate Court SW, Suite 102, Cedar Rapids, Iowa.

Evaluators from the IDNR Underground Storage Tank Section conducted the review of six technical proposals. Evaluators from the Iowa Underground Storage Tank Financial Responsibility Program conducted the review of six cost proposals. Following is a listing of the technical, cost and total scores plus comparative costs:

<u>Firm Name</u>	<u>Technical Score</u>	<u>Cost Score</u>	<u>Total Score</u>	<u>Comparative Cost</u>
Seneca	55.5	25	80.5	\$46,731.00
Barker	57.8	19.03	76.83	\$66,615.00
Terracon	57.3	14.91	72.21	\$85,665.75
Howard R. Green	61.5	15.21	76.71	\$83,317.25
Arrowhead	62.3	13.37	75.67	\$90,127.75
Northern	51.2	20.09	71.29	\$61,918.35

All proposals, evaluations, scorings and a final selection of a consulting firm were provided to appropriate representatives of the City of Clinton and the Iowa Underground Storage Tank Financial Responsibility Program for their review and approval. Both the City of Clinton and the Iowa Underground Storage Tank Financial Responsibility Program approved the consulting firm selected by the IDNR.

Based on the above evaluation and total scores, we recommend that the contract for the Iowa USTfields Project – City of Clinton be awarded to **Seneca Environmental Services**.

Jim Humeston, Iowa Geological Survey and Land Quality Bureau of the Environmental Services Division presented the following item.

*Motion was made by Jerry Peckumn to approve the contract with Seneca Environmental Services. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **CONTRACT - UNIVERSITY HYGIENIC LABORATORY - BIOLOGICAL STREAM ASSESSMENT SURVEYS INCLUDING REMAP AND REFERENCE SITE PROJECTS**

The Department requests Commission approval of contract in the amount of \$533,255 with the University Hygienic Laboratory (UHL) for field monitoring and laboratory services as part of biological stream assessment surveys in Iowa.

This contract combines two separate, but related, projects to assess the biological health of Iowa's stream resources. The first portion of the contract provides for the continued monitoring of 20 biological reference sites (\$76,916). Reference sites represent minimally impacted stream habitats that support healthy biological communities. The Iowa DNR has been monitoring reference sites since 1994 and is using reference sites to establish biological criteria for determining the health status of other streams. To minimize the risk of water quality impacts, reference sites are not located near known pollution sources. Reference sites are bordered by well-vegetated buffer strips and have good physical habitat characteristics. Activities included with reference stream monitoring include 1) sampling fish population to identify dominant species and document health problems such as lesions or parasites, 2) sampling the aquatic insect



population to determine population diversity and tolerance to pollution and 3) assessment of the stream habitat.

The second portion of the contract covers the development of an objective and unbiased survey of Iowa's perennial streams and rivers. In previous years, biological monitoring in Iowa has either focused on reference sites or sites brought to the attention of DNR because of possible water quality violations. As a result, determinations of regional differences in biological health were likely to be inaccurate. The Regional Environmental Monitoring and Assessment Program (REMAP) design uses a random selection of stream sites over five years to objectively measure biological integrity in flowing streams. This is the second year of the five year project. The survey will sample approximately 45 sites a year and measure several indicators of stream ecosystem health including: fish tissue, sediment, and water contaminant levels; physical habitat quality; and fish populations. The project also covers the deployment of real-time water quality sensors. These sensors measure changes in stream oxygen content every 15 minutes for two weeks. The sensors allow the DNR to determine if stream oxygen levels drop below critical levels during night time hours.

The development of an Iowa REMAP project will also help provide a uniform assessment of stream conditions in the Central Plains of the United States. Methods of data collection and analysis used in the Iowa stream survey will be similar to those used in the 1994-1995 R-EMAP survey of perennial streams in Kansas, Missouri, and Nebraska. Results from these surveys can be joined to form a regional assessment that is consistent across geopolitical boundaries. The Environmental Protection Agency contributed 30% of the total REMAP project cost (spent during year 1 of the project).

Funding for this agreement is available from the Iowa Infrastructure state funds appropriated as part of the Environment First Fund.

Lynette Seigley in the Iowa Geological Survey and Land Quality Bureau presented the item to the Commission.

*Motion was made by Darrell Hanson to approve the contract with UHL. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT - UNIVERSITY HYGIENIC LABORATORY – 2003 COOPERATIVE GROUNDWATER NETWORK**

The Department requests Commission approval of a contract for University Hygienic Laboratory analytical services totaling \$116,930 for the time period of July 1, 2003 through November 30, 2003. The contract is titled: 2003 Cooperative Groundwater Network.

This program is designed to identify water quality trends, identify emerging issues, and document water quality from important aquifers in situations that are both identified as vulnerable and protected by natural conditions throughout Iowa. The purpose of this contract is to obtain chemical analyses from an established network of 90 wells monitored through the past decade as part of a cooperative program between the Iowa Department of Natural Resources (Geological Survey Bureau) and the U.S. Geological Survey (USGS). Existing wells are sampled by USGS staff and brought to the UHL for analysis. New to the program this year is the addition of sixty wells, randomly selected from those completed in the Silurian/Devonian Aquifer. These sixty new wells are rotated from year to year between various groundwater resources of interest and help to identify any existing or potential threats to the water quality in these aquifers. Results from all the samples are published in an annual USGS data publication. Results from the past 10 years are being used to produce a report describing water quality trends. All data will be reported to both the national United States Geological Survey database and in Iowa's STORET database, where it is available to the public on the internet.

Funding for this contract is available from infrastructure state funds as a part of the Environment First Fund.

Lynette Seigley in the Geological Survey and Land Quality Bureau passed an Iowa's Water Ambient Monitoring Program fact sheet around to the Commissioners.

*Motion was made by Jerry Peckumn to approve the contract with UHL – 2003 Cooperative Groundwater Network. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

**MRS. GEORGE FRANEK**, Red Oak, Iowa. Mrs. Franek urged the Commission to adopt strict air quality standards for odor to protect our land value and the health of those who live near confined animal feeding operations.

**ROY OVERTON**, retired geriatrician from Des Moines. Roy expressed his concern for the health of the elderly and young children. They will be the ones most affected. Let's think about health and not just economics and money.

**BOB SCHULER**, representing the Iowa Association of Business and Industry's environmental committee addressed his support and approval for Controlling Pollution (Air Construction Permitting Exemption for Small Units). This will aid the department and Iowa businesses.

**E. ROBERT BAUMANN**, retired professor from Iowa State University expressed his concerns on the proposed establishment of a chloride level of 1,500 mg/L to protect the livestock watering and wildlife uses of all water, including General Use streams. Robert carries the general support of several of the Technical Advisory Committee (TAC) members who represent the Iowa League of Cities, the Iowa Consulting Engineers Council and the Iowa Water Pollution Control

Association who have contributed to the preparation of this statement. We believe that water quality and the needs of the people of Iowa would be served by:

1. Eliminating the limitation of TDS in Iowa's waters to 750 mg/L and alternatively placing limitations on the potentially toxic constituents of TDS based on toxicity testing of the wastewater and the presence of toxic constituents. This would protect some 165 Iowa communities whose drinking water TDS already exceeds the present limit.
2. Adopting a chloride acute value of 860 mg/L and a chronic value of, preferably, 564 mg/L (but at least 453 mg/L) to protect organisms that are found in Iowa streams. A separate chloride limitation of 372 mg/L could be adopted to protect *Daphnia pulex* in Iowa Lakes.

As many as 228 Iowa cities probably will require changes in their method of softening their drinking water supplies if the chloride level is set as low as 372 mg/L in Iowa streams. About 50 cities would be so affected if the level is set at 564 mg/L in Iowa streams. Both levels are protective of Iowa waters and technically supportable.

3. A chloride level in General Use streams in Iowa of 2,500 mg/L would be protective of Iowa livestock.

(a handout was given out to the Commissioners regarding his statements on Water Quality Standards)

**JERRY BURKHARDT**, of Bagley, Iowa addressed the Commission about nitrogen application and how he believes it is not necessary for soybean plants since the plant will grab nitrogen from the air if it is not applied. Why are we spending time and money applying nitrogen that is not needed or could be used somewhere else? DNR should reconsider the current practices of nitrogen application rates.

(Jerry passed out a chart that determines maximum allowable manure application rates for individual fields and a copy of the of the EPC Chapter 65 Animal Feeding Regulations – Recommended Practice for nitrogen application rates.)

**JOHN SCHULTZ**, Commissioner of the Allamakee County Soil and Water Conservation District said that he is disappointed about the wastewater permit that was issued to Agri-Processors last month. Their chloride permit limit is 2,410 mg/l on a daily basis. That water would be discharged into a creek, currently that creek is done dry. We appreciate the fact that the limit was lowered from the initial request which was 27,500 lbs. of salt per day. The current permitted limit is 17,687 lbs. of salt per day. I would like to request that you promote the idea that losing streams never be classified as a general use stream. We would like this creek which is currently classified as a general use stream to be upgraded in it's classification. We would like to see it at the current EPA recommendations.

**KURT KELSEY**, a family farmer from Iowa Falls believes that the air quality standards should be about improving and protecting the health of Iowans. We feel that since Heidi Vittetoe and her husband own a 4,000 head hog confinement that she will have a conflict of interest concerning this issue and we ask that she abstain from voting.

Darrell Hanson stated that we cannot ask a member to abstain from voting just because they may own a hog confinement. If there was an enforcement issue involved, that is something else, but since the law is set-up under the assumption that we want people on the Commission that have to live with the regulations and are also involved in forming them. This is not a conflict of interest.

**LARRY GINTER**, retired hog farmer and member of ICCI. Larry urged the Commission to approve the Petition for rule making by Iowa Citizens for Community Improvement. We need strong air quality standards to protect the health of those who live within miles of a confined animal feeding operation. We need clean air rules now!

**BARBARA KALBACH**, farmer and nurse from Dexter, Iowa stated that we need to protect the environment and the health of rural citizens. Exposure to hydrogen sulfide and ammonia at sufficient levels, over a long period of time will make people sick. The ambient air quality standards proposed by ICCI would control odor emissions, hydrogen sulfide and ammonia and protect the health of Iowans. Factory farms are not the only ones that emit hydrogen sulfide and ammonia. I ask the EPC members to initiate the development of ambient air quality to help protect the health of rural citizens.

**TOMMIE STONER**, ICCI member and a full time farmer stated that he and his wife are seeing the effects of the odor from the hog confinements located one mile from their home. These facilities are new as of 1998. Thirty-five applicators came in and spread manure across the road from our house. I called DNR and they came down and they measured and they were only 495 feet from our home and 25 feet from a well. Our air and water is polluted where we live and I believe it's time we take some serious action on this concern, because our health and the neighbor's health is affected.

**ROSIE PARTRIDGE**, ICCI compared the air standards of other states. There are at least 23 states that have ambient air standards for H<sub>2</sub>S and at least 12 with ammonia standards. Some of these standards are tougher than those proposed by Iowa and passed by the EPC in April. Iowa needs air quality rules based on the joint study by Iowa State University and the University of Iowa to protect Iowans health, no matter what the source.

(a handout was given to Commissioners of hydrogen sulfide and ammonia standards of other states)

**RICHARD BIRD**, ICCI stated that no more studies are needed. The studies completed by Iowa State University and the University of Iowa are valid and sound science. The DNR needs to continue supporting this study and grant rules based on it's recommendations. We cannot settle for less than best. Anything else will not protect the health of Iowans.

(a copy of e-mail correspondence between Richard Ross at Iowa State and the CCI staff was given to Commissioners. Richard stated that ISU faculty agreed with the report submitted. He also stated that he never said that ISU faculty were “rolled by” or “pressured” to agree.)

**ARLISS KELSEY**, member of the ICCI represented those affected by factory farms. The studies have been completed and it's time to enforce federal clean air and water standards and adopt more strict standards for Iowa.

(a copy of 8 different letters from those affected by factory farms was given to the Commissioners)

**SUSAN HEATHCOTE**, research Director for the Iowa Environmental Council spoke about the Water Quality standards. Our standards are to protect the uses for our waters and the impact of the standards on the cities and businesses in the state. You should first set standards to protect the uses and then look at how we can implement the standards in reasonable and practical way for the economic interest in the state of Iowa. Our water quality standards state that all general uses should be protected for aquatic life from acutely toxic conditions; livestock and wildlife water, non-contact recreation, crop irrigation and industrial, agriculture, domestic and other incidental water withdrawal issues. Irrigation is one use that all TDS and chloride are sensitive too. We recommend to keep the TDS and have an overall level of 1,000 mg/l. Susan also expressed her concern about the wastewater permit that was issued to Agri-Processors.

**JACK HOLVECK**, State Senator in District 36 (NW section of Des Moines and Urbandale) supports the ICCI's petition to establish air quality standards for hydrogen sulfide, ammonia and odors. Jack commended the DNR and the Commissioners for the position they took in presenting the rules to the legislature.

**RON TIGNER**, ex-farmer from Fort Dodge expressed his support for ICCI's petition to establish air quality standards for hydrogen sulfide, ammonia and odors. Let's put the interest of the public first and not the few special interests groups.

**STEVE VEYSEY**, Hawkeye Fly Fishing Association made the following comments on TDS and the chloride proposal:

Compromise – Alternative TDS/Chloride Proposals

- 1) Increase the current TDS standards from 750 mg/L to 1000 mg/L. As with the current TDS standards, this would apply to all Iowa surface waters, Change this from an “end of pipe” standards to allow a mixing zone. This is a continuous or “chronic” limit. Under this scenario a separate chloride standard would not be necessary. Assuming a background level of 300 mg/L TDS (in Iowa, primarily from calcium carbonate – dissolved limestone), this would allow a continuous (chronic) discharge of 424 mg/L as chloride for those facilities discharging salt in their wastewater.
- 2) Rewrite the current TDS standard to limit the allowable discharge from permitted facilities to an increase above background levels of no more than

750 mg/L. In no instance shall the total of background TDS and TDS in the discharge be allowed to exceed 1500 mg/L. As above, this would apply to all Iowa surface waters and would no longer be an "end of pipe" standards but would allow for a mixing zone. A separate chloride standards would not be necessary. This scenario would allow for a continuous chloride discharge of 454 mg/L template.

Both of these proposals will generally be protective of aquatic life (although not as protective as we would like). More significantly, both will be protective of livestock and wildlife watering, irrigation, and other incidental water withdrawal uses.

Steve also expressed his disappointment and concern about the wastewater permit that was issued to Agri-Processors.

(two handouts were given out to the Commissioners; Discussion of TDS and Chloride Water Quality Standards and a memo of TDS and Chloride Proposal)

## APPOINTMENT

Dr. Peter Weyer addressed the Commission on the Iowa Community Private Well Study.

**Background:** Limited information is available on drinking water quality in small rural Iowa communities served exclusively by private wells, as monitoring required under the Safe Drinking Water Act (SDWA) applies only to public water systems (>25 hook-ups). Private wells in these communities may be at risk of contamination due to nearby location of urban and agricultural pollutant sources and because they tend to utilize shallow, vulnerable aquifers.

**Study design:** The Iowa Community Private Well Study (ICPWS) was a one-time sampling of 103 randomly selected private wells in a total of 50 incorporated Iowa Communities without municipal water systems or rural water connections. This study was conducted by the University of Iowa, the Iowa Department of Natural Resources and the U.S. Geological Survey in the summer and fall of 2002. A second part of the project sampled multiple wells in 15 of those communities where numerous sources of potential contamination were located. County sanitarians collected water samples and administered a well construction and contaminant site survey to well owners. Water samples were analyzed at the University Hygienic Laboratory for common use pesticides, nitrate, ammonia, arsenic, bacteria and some industrial chemicals and gasoline constituents. The following information *is summarized for the entire group of communities in the random part of the study.*

**Results:** Thirty-two percent of the wells had pesticide detection. Atrazine was found in 19%, the atrazine metabolites desethylarazine (DES) and desisopropylatrazine (DIS) in 28% and 4%, respectively, and metolachlor in 4%. Other common containants were nitrate (57%), ammonia (41%), arsenic (26%) and bacteria (30%). One well had arsenic above the EPA drinking water

standard (0.05 parts per million), while 24 wells exceeded the nitrate standard (10 parts per million). As study wells are privately owned, they are not regulated under SDWA.

<b><u>Contaminant</u></b>	<b>East-central (60 wells)</b>	<b>North-central (9 wells)</b>	<b>Northeast (24 wells)</b>	<b>South – central (5 wells)</b>	<b>Southwest (5 Wells)</b>	<b>Total across regions (103 wells)</b>
<b>Atrazine</b>	28%	0%	12.5%	0%	0%	19.4%
<b>DES</b>	35%	11.1%	29.2%	0%	0%	28.2%
<b>DIS</b>	6.7%	0%	0%	0%	0%	3.9%
<b>Metolachlor</b>	6.7%	0%	0%	0%	0%	3.9%
<b>Any pesticide*</b>	41.7%	11.1%	29.2%	0%	0%	32%
<b>Nitrate</b>	55%	33.3%	62.5%	60%	100%	57.3%
<b>Ammonia</b>	38.3%	88.9%	33.3%	60%	0%	40.8%
<b>Total arsenic</b>	28.3%	55.6%	16.7%	0%	20%	26.2%

\* Includes acetochlor, alachlor, atrazine, cyanazine, DES, DIS, metolachlor, prometon

Well depth was an important factor. The percentage of wells with selected contaminant detections by well depth is presented below.

<b>Well depth</b>	<b>Atrazine</b>	<b>DES</b>	<b>DIS</b>	<b>Prometon</b>	<b>Nitrate</b>	<b>Arsenic</b>	<b>Bacteria</b>
≤ 50 feet	28%	47%	12%	6%	94%	16%	13%
> 50 feet	13%	14%	0%	0%	30%	32%	39%

Well construction continues to be important in vulnerability to contamination. For example, high nitrate levels were more prevalent in sand point wells and in wells that were not cased:

	<b>Cased Well</b>			<b>Sand point well</b>		
	<b>Yes (n=58)</b>	<b>No (n=21)</b>	<b>No info (n=24)</b>	<b>Yes (n=38)</b>	<b>No (n=42)</b>	<b>No info (n=23)</b>
Nitrate > 10 ppm	10.3%	42.9%	37.5%	34.2%	16.7%	21.7%

**Comparison - ICPWS and SWRL:** A baseline for comparison exists in the Statewide Rural Well Water Study (SWRL, 1988-89), although SWRL wells were rural, while ICPWS wells are in communities. Laboratory method detection limits have changed since SWRL; only ICPWS atrazine compound detections greater than the 1988-89 detection limits are presented. Statewide and regional comparisons are shown.

### ICPWS

### SWRL

	Statewide (n=103)	Northeast (n=24)	East-central (n=60)	Statewide (n=686)	Northeast (n=88)	East-central (n=219)
<b>Atrazine*</b>	2.9%	0%	5.0%	4.4%	3.4%	4.1%
<b>DES*</b>	18.4%	16.7%	25.0%	3.5%	2.3%	3.7%
<b>DIS*</b>	2.9%	0%	5.0%	3.4%	1.1%	2.7%
<b>Total Atrazine~</b>	19.4%	16.7%	26.7%	8.0%	4.2%	7.7%
<b>Nitrate&gt;10 ppm</b>	23.3%	25.0%	23.3%	18.3%	9.2%	11.6%
<b>Ammonia-N</b>	40.8%	33.3%	38.3%	50.1%	36.4%	67.2%
<b>Total coli form bacteria</b>	30.1%	20.8%	30.0%	44.6%	20.9%	34.3%

\*using SWRL minimum detection limits: (atrazine: 0.00013 ppm; DES; 0.0001 ppm; DIS: 0.0001 ppm)

~total atrazine (atrazine, DES, DIS)

Comparing SWRL to the entire ICPWS atrazine database shows SWRL wells had higher levels of atrazine (mean=0.0009 ppm, max=0.00661 ppm) and DES (mean=0.00054 ppm; max=0.00286 ppm) than ICPWS wells (atrazine mean=0.00024 ppm, max=0.00043 ppm, DES mean=0.000369 ppm, max=0.00068 ppm).

#### Conclusions:

- Nitrate continues to be a problem, with 23% of wells tested > 10 ppm
- Prevalence atrazine compounds has increased, but concentrations lower than SWRL
- Arsenic (naturally-occurring) commonly found at very low levels; regional problem?
- Well depth and construction are important factors

#### Recommendations:

- Additional study: unincorporated areas?
- Follow-up on SWRL wells

Dr. Peter Weyer introduced Dr. Mike Wickman from the University Hygienic Laboratory and David Osterberg from University of Iowa Department of Occupational and Environmental health.

Dr. Peter Weyer stated that they will need to take a closer look at the variables and how they interact. There will be a status report that is going to the University, we can forward you a copy. We will also take a look at the bacteria levels.

(a handout was given to the Commissioners on the Iowa Community Private Well Study)



**CONTRACT - IOWA STATE UNIVERSITY EXTENSION SERVICE – MANURE APPLICATOR CERTIFICATION TRAINING**

Karen Grimes, Information Specialist in Animal Feeding Operations for the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$135,683 with Iowa State University Extension Service to provide manure applicator certification training and testing for the time period of July 1, 2003 through June 30, 2004. The training and testing are pursuant to HF 644 and HF 2494.

The purpose of this contract is to support activities to develop manure certification training and testing materials for commercial manure applicators and confinement site manure applicators. Topics covered in the training materials will include: certification and manure management requirements of Iowa law and DNR rules; proper procedures for the storage, handling and land application of manure; the potential impacts of manure on surface and groundwater; the development of safety and emergency action plans; and sources of additional technical and educational assistance.

Funding for this contract is provided by fees collected from the Manure Applicator Certification Program.

*Motion was made by Lori Glanzman to approve the contract with ISU. Seconded by Heidi Vittetoe. Motion carried unanimously.*

Darrell Hanson abstained from the vote due to working relations with Iowa State University.

**APPROVED AS PRESENTED**

**PROPOSED RULE--AMEND IAC CHAPTER 567-111 "FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS"**

Alex Moon, Energy & Waste Management Bureau of the Environmental Services Division presented the following item.

Attached for the Commission's information and review is a Notice of Intended Action to amend administrative rule chapter 567-111 "Financial Assurance Requirements for Municipal Solid Waste Landfills".

The request for action on this rule chapter is to incorporate minor revisions. In administrative rule chapter 567-111 there are references to subrules found within other chapters of the administrative rules that are no longer accurate and therefore should be updated. Other revisions include adding wording that was unintentionally omitted and clarifying subrules which

municipal solid waste landfill owners have had difficulty interpreting. These amendments will provide greater clarity and consistency with legislative intent for municipal solid waste financial assurance requirements.

The commission will be requested to approve this Notice of Intended Action at its September meeting.

Alex Moon said that a public hearing will be held on November 5<sup>th</sup>.

<b>INFORMATIONAL ONLY</b>
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**FINAL RULE - AIR QUALITY PROGRAM RULES CHAPTERS 21, 22, 23 AND 25, UPDATES, REVISIONS, AND ADDITIONS**

Jim McGraw, Supervisor of the Program Development Section in the Air Quality Bureau presented the following item.

The commission will be asked to approve the amendments to Chapter 21, "Compliance," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants" and Chapter 25, "Measurement of Emissions" of the 567 Iowa Administrative Code.

These amendments:

- Add a specific variance requirement relating to trial burns of alternative fuels. This rule relates to facilities that are interested in obtaining a waiver from construction permitting for conducting the trial burn.
- Make date modifications to update federal regulations adopted by reference in the Iowa Administrative Code.
- Provide clarification/changes to an existing exemption from construction permitting. In particular, the revision pertains to changing the wording to clarify that a permit must be obtained and not just "applied for" to obtain emission reduction credit.
- Adopt by reference 21 recently promulgated federal NESHAPS
- Adopt a revised Sampling Compliance Manual

The commission approved the notice of intended action for these proposed rules on June 16, 2003. The Notice of Intended Action was published in the IAB in Vol. XXV, NUMBER 25 on June 11, 2003 as ARRC 2525B. A public hearing was held on July 15, 2003. The comment period closed on July 16, 2003. No oral or written comments were received on the proposed rules.

If approved these amendment becomes effective on October 22, 2003.

*Motion was made by Jerry Peckumn to approve the item as presented. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING EXEMPTION FOR SMALL UNITS)**

Jim McGraw, Supervisor of the Program Development Section in the Air Quality Bureau presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code. The purpose of this rulemaking is to add a new paragraph 22.1(2) "w" for emission units that can classified as small units.

This rulemaking is the result of a cooperative negotiated rulemaking process between the department and representatives of the Iowa Association of Business and Industry (ABI) that began in 2001. The Commission was first notified of the negotiations related to air construction permitting exemptions in an information agenda item presented on August 20, 2001. This information item was followed by a Notice of Intended Action at the September 17, 2001 Commission meeting that was published in the Iowa Administrative Bulletin Volume XXIV, Number 8, on October 17, 2001, as ARC 1024B. Some of the proposed exemption modifications and additions included in the September 2001 Notice of Intended Action were adopted by the Commission at the May 20, 2002 meeting. Other proposed exemption revisions were withdrawn at ABI's request for further consideration of comments provided by the U.S. EPA during the public comment period.

This Notice of Intended Action is the result of negotiations that were resumed in December 2002 between ABI, the department, and the U.S. EPA and addresses many of ABI's concerns regarding permitting requirements for small indoor venting sources. Both the department and ABI are interested in reducing the regulatory burden on industry where the actual emissions of air contaminant sources are likely to have little or no environmental or human health consequences.

Paragraph 22.1(2)"w" adds a significant new exemption for "small units." Small units are defined as emission units and associated control equipment (if applicable) that emit less than 40 pounds per year of lead and lead compounds expressed as lead, 5 tons per year of sulfur dioxide, 5 tons per year of nitrogen oxides, 5 tons per year of volatile organic compounds, 5 tons per year of carbon monoxide, 5 tons per year of particulate matter, 2.5 tons per year of PM10, and 5 tons per year of hazardous air pollutants (as defined in rule 22.100). This exemption applies to both existing and new or modified small units.

An owner or operator that utilizes the small unit exemption must maintain on-site an “exemption justification document”. The exemption justification document must document conformance and compliance to the emission rate limits contained in the definition of “small unit” for the particular emission unit or group of similar emission units obtaining the exemption. The controls described in the exemption justification document establish a limit on the potential emissions. This is useful for facilities that are seeking to obtain federally enforceable emission or operating limits, or establish federal recognition of the operation of control equipment to avoid permitting requirements of other air regulatory programs such as PSD and Title V Operating Permits.

The last portion of this new exemption addresses concerns that the operation of many of these small units may together lead to negative environmental impacts. A subcategory, “substantial small unit” is defined as those units that emit seventy-five percent of the small unit thresholds. The owner or operator of the facility must notify the department within 90 days of the end of the first calendar year that the aggregate emissions from substantial small units at the facility exceed any of the “cumulative notice thresholds” defined in the exemption. Once a cumulative notice threshold is exceeded, the owner or operator must apply for air construction permits for all substantial small units for which the cumulative notice threshold for the pollutant(s) in question has been exceeded.

If the Environmental Protection Commission approves this Notice of Intended Action, a public hearing will be held on October 7, 2003. The public comment period on the proposed rules will close on October 17, 2003.

An Administrative Rule Fiscal Impact Statement is attached. There will be net positive fiscal impact from this rulemaking.

*Motion was made by Darrell Hanson to approve the NOIA – Chapter 22. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **NOTICE OF INTENDED ACTION - DRINKING WATER, OPERATOR CERTIFICATION AND LABORATORY CERTIFICATION PROGRAMS - CHAPTERS 40, 41, 42, 43, 44, 81, AND 83**

Jack Riessen, P.E., Chief of the Water Quality Bureau presented the following item.

The Commission will be asked to approve a Notice of Intended Action that would initiate rulemaking to amend the following chapters of their rules.

- Chapter 40, Scope of Division-Definitions-Forms-Rules of Practice
- Chapter 41, Water Supplies

- Chapter 42, Public Notification, Public Education, Consumer Confidence Reports, Reporting, and Record Maintenance
- Chapter 43, Water Supplies – Design and Operation
- Chapter 44, Drinking Water Revolving Fund
- Chapter 81, Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems, and,
- Chapter 83, Laboratory Certification

Since January 2000, the U.S. Environmental Protection Agency has promulgated seven major (new or significantly revised) federal rules pertaining to drinking water. These major rule packages include the following:

- Lead and copper rule revisions
- Radionuclides rule
- Public notification rule
- Analytical methods rules (two final rules)
- Arsenic rule
- Filter backwash recycle rule
- Long-term 1 enhanced surface water treatment rule

In addition, changes have been made to several other existing federal rules

To maintain primacy in the drinking water program, states are expected to incorporate these federal rule provisions into state program rules. The proposed rule amendments, if adopted, will accomplish that.

Other changes being proposed are summarized below:

- Rescission of unregulated contaminant monitoring rules. Iowa is not implementing the new federal Unregulated Contaminant Monitoring Rule since it is not a primacy requirement and old existing rules will be rescinded.
- Sample collection and analytical methodology requirements for ammonia. Ammonia has been found in Iowa public water supply treatment and distribution systems and is a precursor to nitrite formation. (Ch. 41)
- Amendments to the self-monitoring flow categories to include facilities with flows less than 25,000 gallons per day. (Ch. 42)
- Waiver of bottled water monitoring requirements if the water is from a community public water supply that meets all SDWA requirements. (Ch. 43)
- Prohibiting return of water from steam condensate, engine cooling jackets, heat exchange devices, or wastewater treatment processes to a public water supply system. (Ch. 43)
- Listing the components of a sanitary survey and required timelines for correction of deficiencies. (Ch. 43)
- Allowing the department, at its discretion, to require systems currently not able to operate within design standards to upgrade their system before issuing a construction permit for another project that does not address the deficiencies. (Ch. 43)
- Updating references to the construction standards for public water supplies. (Ch. 43)

- Reinstating a construction permit fee. The Iowa Code allows the Department to charge permit fees, but construction permit fees have not been charged since 1995. The fees will be deposited in the Water Quality Protection Fund along with operation fees, state funds, and EPA grant funds. The estimate of fees generated in one year is \$115,000 to \$150,000. (Ch. 43)
- Incorporating statutory requirements that well construction be done by a certified well contractor. (Ch. 43)
- Updating well-siting requirements, including revision of the separation distances from wells to contamination sources. (Ch. 43)
- Amending the drinking water revolving loan program rules to allow a public water supply to incorporate all projects costs for an eligible project to be included in the loan and to start work on the project more quickly than under the current rules. This will allow such things as preliminary planning and design costs to be eligible for loans. (Ch. 44)
- Amending operator certification rules to: require an on-site review of an operator's capabilities for oral exams; require an operator with a lapsed license to meet the existing experience and education eligibility requirements as prerequisites to reinstatement; and waive the requirement for two failed examinations for an operator that has previously been certified under the oral examination rules. (Ch. 81)
- Requiring an applicant to meet all education and experience requirements upon reapplication if their operator certificate has previously been revoked. (Ch. 81)
- Requiring any entity holding courses in Iowa for which continuing education credit is offered for water treatment, water distribution, or wastewater operator certification to allow DNR staff to audit the training and receive all training materials at no cost to the department. (Ch. 81)
- Adopting laboratory certification requirements for the solid waste and contaminated sites programs. (Ch. 83)
- Restructuring fees that support the laboratory certification program. Most of the lab fees have not been changed since they were first implemented in 1993. The certification program is supported solely with fees and a fee increase is needed to sustain the program. The estimated additional revenue from the fee change is \$84,000. (Ch. 83)
- Clarification that a laboratory certified through a reciprocal agreement with another state will lose Iowa certification immediately if its primary certification is revoked. (Ch. 83)
- Requiring upon revocation of certification that a laboratory immediately discontinue analysis and reporting of compliance samples for any Iowa-regulated entity and notify their regulated Iowa clientele and other state agencies of their certification status within three business days. (Ch. 83)
- Corrections and updates to grammar, references, and titles (all chapters)

The water supply technical advisory group at two separate meetings reviewed the proposed amendments. This group is comprised of individuals representing a wide variety of water supply stakeholders, including professional drinking water organizations, certified operators, certified environmental laboratories, environmental interests, public water supplies, consulting engineers, and other state agencies.

Six public hearings are anticipated in Manchester, Mason City, Storm Lake, Atlantic, Des Moines, and Washington.

Jack Reissen said that the FDA regulates bottled water that is sold across state lines. The Department of Inspection & Appeals regulates bottled water that is sold within the state. The Department has not regulated bottled water under the public water supply program.

*Motion was made by Lisa Davis Cook approved the NOIA on drinking water. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION: CHAPTER 61, WATER QUALITY STANDARDS**

Jack Riessen, P.E. Chief of the Water Quality Bureau presented the following item.

The Commission will be asked to approve a Notice of Intended Action that would propose adoption of various changes to the Commission's Water Quality Standards (WQS). The changes being proposed are summarized below.

- Numerical water quality criteria for chloride for the protection of aquatic life and general uses are being established. The proposed acute aquatic life criterion for chloride of 860 mg/l is based on EPA's national criterion and the proposed chronic aquatic life criterion for chloride of 372 mg/l has been recalculated from EPA's national criterion to reflect new toxicity test data from the State of Wisconsin. A chloride level of 1500 mg/l is being proposed to protect the uses of all waters, including General Use streams. However, as noted below, the NOIA asks specifically for additional input on the proposed 1500 mg/l value.
- The current total dissolved solids (TDS) numerical criterion of 750 mg/l is being replaced with a site-specific approach for establishing discharge limits for dissolved solids. Upon application for a discharge permit or permit renewal, a facility will be required to clearly demonstrate that their discharge will not result in toxicity to the receiving stream. This documentation may require whole effluent toxicity (WET) tests and a chemical analysis of the effluent for selected cations and anions, including calcium, magnesium, potassium, sodium, chloride, sulfate, and iron as well as the measured TDS concentration. The rule-referenced document entitled "Supporting Document for Iowa Water Quality Management Plans, Chapter IV", July 1976, as revised in March 2003, will be modified to reflect the new TDS approach and associated implementation details.

- Approximately 300 lakes are being proposed to be added as Class B(LW) Lakes and Wetlands to the rule-referenced document "Surface Water Classification". Many of the smaller publicly owned lakes in Iowa are not currently designated in the WQS and these waterbodies need to be added.
- All the waterbodies currently designated as Class B(CW) Cold water or Class HQ High quality water and those designated as Class B(WW) Significant resource warm water which are not currently designated as Class A1 Primary contact recreational use in the rule-referenced document "Surface Water Classification" will be designated as Class A2 Secondary contact recreational use waters. Class A2 uses include fishing activities and such other uses where water contact is likely but whole body contact or immersion is unlikely. The Commission recently adopted this use designation and the bacterial standards to protect these uses.
- Fourteen stream segments will be added as Class B(LR) Limited Resource warm water, two Class B(WW) streams will be redesignated as Class B(LR), and corrections to stream locations will be made in the rule-referenced document "Surface Water Classification". These changes are based on new and old warm water field assessments of the streams.
- The rule-referenced document "Protected Flows for Selected Stream Segments" will be amended to add several streams and correct the locations and protected flows of several other streams for consistency with the document "Surface Water Classification".
- Correct subrule 567 - 61.2(5), paragraph "a", which discusses the allowable temperature increase criterion for warm water interior streams, contains a reference to a subrule that has been removed from Chapter 61. This correction will not change the meaning or use of the rules.

The Notice includes a brief discussion on a proposed numerical chloride criterion to protect the general uses of all waters of the state. The proposed criterion of 1500 mg/l was selected following review of literature data on the effects of chloride on various users and uses made of water. Data clearly demonstrate there is not a single threshold value to protect all uses, but rather a broad range of concentrations that uses can tolerate. Public input is being solicited on the reasonable and prudent level to be established to protect the general uses.

Jack Reissen said that the next appropriate step would be to send this out for public comment and then come back to the Commission in three – four months in response to the summary.

Francis Thicke stated that a reasonable compromise would be to have a 1,000 mg/l as a trigger point and above that you could do your analysis of cations and ions to check for aquatic life.

Jack Reissen said that we will consider that and all other public comments that we receive.

Francis Thicke said that the total of all solids should not exceed a 1,000 mg/l per liter unless a site specific analysis of the influent toxicity indicates the water body would be impure. (recommended amendment to the standards)



It was agreed that Francis Thicke will keep his recommendations and amendments until the public comment time.

*Motion was made by Darrell Hanson to approve the NOIA on Water Quality standards. Seconded by Heidi Vittetoe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE – TO AMEND IAC CH. 65.7(1)“b” - MODIFY CONSTRUCTION PERMIT REQUIREMENTS; REQUIRE AN APPLICANT TO SUBMIT THE MASTER MATRIX TO THE DEPARTMENT; EXPAND THE CATEGORIES OF PERSONS DETERMINING GROUND WATER TABLE ELEVATIONS AND MODIFIES THE REQUIREMENTS FOR GROUND WATER TABLE DETERMINATION**

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Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

As required by recent legislation, a brief Fiscal Impact Statement has been prepared for this Notice. Staff is available to discuss this, if requested.

**Item 1.** Iowa Code section 459.303, has modified the construction permit requirements based on animal unit capacity and type of manure storage structure and provides that “The department shall provide conditions for requiring when a person must obtain a construction permit”. As a result, the department is proposing to amend its current paragraph 567 Iowa Administrative Code (IAC) 65.7(1) “b” regarding when a construction permit must be obtained.

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**Item 2.** 567 Iowa Administrative Code 65, Appendix C, “Master Matrix” contains some scoring criteria that requires the submittal of an operation and maintenance plan with the construction permit documents. Also, in order to obtain points under other master matrix criteria, some applicants are agreeing to locate confinement feeding operation structures beyond required separation distances. The department proposes amending rule 65.9(1) to require applicant’s submittal of a proposed master matrix evaluation with construction permit application documents. This will allow the department to review the operation and maintenance plans before counties complete their evaluations and to confirm separation distances during the field office site inspections.

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**Item 3.** 567 Iowa Administrative Code 65.15(7) “b” provides that if a formed manure storage structure is constructed below the ground water table, a drainage tile system must be installed to artificially lower the ground water table. In addition, 65.15(7) “c” provides that a professional engineer licensed in the state of Iowa must make the ground water table determination. Further, Iowa Code 459.303 provides that only confinement feeding operations that meet or exceed the threshold requirements or that utilize unformed manure storage structure, are required to retain a

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professional engineer licensed in Iowa or the natural resources conservation service. After careful evaluation and technical considerations, the department believes the structural and environmental benefits of constructing a formed manure storage above the groundwater table, and therefore, is proposing to amend paragraph 65.15(7) "c" so that the groundwater table determination can also be done by the natural resources conservation service; a certified ground water professional pursuant to 567 IAC 134; a hydrogeologist or geologist. The department believes that this expansion would increase the number of available qualified professionals for up a few hundred. The department is also modifying the procedures for determining the seasonal high water table and the requirements for ground water exploration as part of the ground water determination.

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It is recommended that this proposal be approved for a notice of intended action in order to gather public input regarding this proposal. This will be back next month.

#### INFORMATIONAL ONLY

#### DENIAL OF PETITION FOR RULE MAKING- AGRIBUSINESS ASSOCIATION OF IOWA, ET. AL.

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to deny the attached petition for rule making to amend 567 Iowa Administrative Code to add a new rule 28.2 and to adopt an Iowa Field Study Sampling Manual. The petition proposed to adopt rules relating to a comprehensive field study on hydrogen sulfide and ammonia concentrations in ambient air, and on odor.

On July 18, 2003, the Petitioners agreed in writing to an extension until August 31, 2003, of the deadline for DNR to act on the Petition for Rulemaking.

The specific language proposed by the petitioners should not be adopted because it would unnecessarily place restrictions on the scope and length of the field study mandated in Iowa Code section 459.207. This field study has been underway since April 2002. This petition for rulemaking would hinder the DNR's ability to collect the baseline data necessary to make an informed decision regarding the need to develop plans and programs related to the control of emissions from animal feeding operations, as specified in Iowa Code section 459.207. Specific comments that support this petition denial are included in the Denial of Petition for Rule Making.

#### TABLED

**DENIAL OF PETITION FOR RULE MAKING- IOWA CITIZENS FOR COMMUNITY IMPROVEMENT**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to deny the attached petition for rule making to amend 567 Iowa Administrative Code sections 20.2 and 28.1 and to create the Iowa Ambient Air Sampling Manual. The petition requested that the department adopt rules that (1) set ambient air quality standards for hydrogen sulfide, ammonia, and odor known to be harmful to human health and impair the use and enjoyment of property, and (2) adopt monitor siting requirements, data handling procedures, approved monitoring methods and equipment and quality assurance requirements for ensuring compliance.

The specific language proposed by the petitioners should not be adopted because the petitioners have requested that the DNR initiate a rulemaking that is very similar to the rulemaking that was previously adopted by the Commission and subsequently nullified by the Iowa Legislature. The DNR does not believe that it is in the best interest of the people of Iowa to initiate another rulemaking that will likely result in the same nullification action from the Legislature. Specific comments that support this petition denial are included in the Denial of Petition for Rule Making.

<b>TABLED</b>
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**RECOMMENDATIONS REGARDING AIR QUALITY STANDARDS FOR HYDROGEN SULFIDE AND AMMONIA**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Brief Background. Senate File 2293, 2002 (Iowa Code section 459.207) states that if the baseline data from the field study demonstrates to a reasonable degree of scientific certainty that emissions of these pollutants are present at levels *commonly known to cause a material and verifiable adverse health effect*, the department may develop comprehensive plans and programs to control emissions of hydrogen sulfide, ammonia, and odor from animal feeding operations. What constitutes a level “commonly known to cause a material and verifiable adverse health effect” is not defined in the Iowa Code. The department had previously attempted through rulemaking to equate a material and verifiable health effect for hydrogen sulfide and ammonia to the levels recommended in the Iowa Concentrated Animal Feeding Operations Air Quality Study (University Study). However, rules adopted by the Commission based on the University Study recommendations were subsequently nullified by the Iowa State Legislature. One of the criticisms of the University study was that it did not receive adequate peer review and as a result the rationale used to set health standards was difficult to follow. Some legislators expressed the opinion that the resulting standards “did not pass the common sense test.”

Current Direction. Our recommendation is to establish levels for hydrogen sulfide and ammonia based on commonly known and accepted health risk data for these pollutants. These levels could then be used as comparison values to compare the baseline data currently being collected in the field study. The comparison values would not represent ambient air quality standards, only commonly known levels intended to be used as a “bar” in evaluating the field study data. (Iowa Code section 459.207 does not require that a level be specified in rule as an ambient air quality standard.)

The department has begun a process where it intends to enlist the help of independent health science experts to review the rationale and results of the University Study and provide their own opinions concerning the levels “commonly known to cause a material and verifiable adverse health effect”. The department will present the results of reviews as information items to the commission when they become available.

Prior to the nullification, the field study monitoring measured ambient concentrations at several monitoring sites well above the levels in the nullified standards. As the dialogue concerning standards continues, we believe it is prudent to begin work to determine a set of reasonably available control technologies, acceptable dispersion models and emissions estimation techniques applicable to animal feeding operations. Toward this end, the department intends to convene several technical advisory groups consisting of stakeholders and technical experts in order to develop consensus on these essential elements required to implement a regulatory program for confined animal feeding operations.

The Department intends to recommend denial of both petitions for rulemaking and seek support from the Environmental Protection Commission for reviewing the University Study recommendations and establishing technical advisory groups. We believe that this is the most expedient way to achieve reductions in the risk that these pollutants may pose to nearby residents. The department will provide updates to the Commission in the coming months regarding the results of additional peer review of the University Study, progress of the technical advisory groups, and the pollutant levels measured during the field study.

Wayne Gieselman mentioned that the Department has met with Iowa Citizens for Community Improvement and Agribusiness Association. Both petitioners have asked for a thirty day extension. The language of Senate file 2293 directs the staff to do an air quality monitoring study. We are in the process of doing this. Sean Fitzsimmons will be giving us an additional information on air quality monitoring.

Jerry Peckum asked if there has been any official communication from the air quality people and the study people.

Wayne Geiselman said there has been lots of controversy about the validity of the study but no one has said these are valid numbers for what they did. Perhaps an issue that has added confusion to this, is that when the Department went forward they were ambient standards that dealt with emissions from any sort of facility. The study itself was aimed at livestock facilities and CAFOs. We believe that’s where we need to head now. The issue of where the monitoring

sites are, whether fence line measurements are usable in establishing a standard, that is from a separated location.

Donna Buell asked what happened to the idea that it doesn't matter where the chemicals are coming from but that these standards were designed to protect the health of the citizens.

Wayne Geiselman said that the study from the university was based off of livestock.

Donna Buell said that since we have the ability to regulate everybody, we could be more specific than what SF 2293 limits us with livestock.

Jeff Vonk said that we are having difficulty finding the appropriate standard to compare against. Back to the University report, the questions that were asked were very specific towards CAFOs. The study team feels that they answered those questions and not general ambient air issues. Since the nullification process, we have received a letter from the University of Iowa stating that a key competent of the recommendations in the report, we're to look at hydrogen sulfide and ammonia and the concentration levels as indicators of a whole complex of chemicals, dust and other emissions are contained as a part of what happens from Confined Animal Feeding Operations.

Darrell Hanson requested a copy of the letter from the University of Iowa. Given the fact that we are continually asked to implement the university recommendations, and as I recall they were for ambient standards, how do we do that.

Jeff Vonk said that we are unable to answer that at this time, due to the fact that our staff is continuing to research and get ideas and we are meeting with the two petitioners.

Lisa Davis Cook agreed with Donna Buell that it does not matter where the emissions come from, but that we are to protect the health of the citizens.

Sean Fitzsimmons, Air Quality Bureau made a powerpoint presentation on Early Results from the Confined Animal Feeding Operations.

Requirement for the Field Study (455B.166 section 23)

*The department shall conduct a comprehensive field study to monitor the level of airborne pollutants (hydrogen sulfide, ammonia and odors) emitted from animal feeding operations in the state, including but not limited to each type of confinement feeding operation structure.*

Decision to be Made with Field Study Data (455B.166 section 23)

*...comprehensive plans and programs may be developed if the baseline data from the field study demonstrates to a reasonable degree of scientific certainty that airborne pollutants emitted by an animal feeding operation are present at levels commonly known to cause a material and verifiable adverse health effect.*

#### Components of the Field Study

Hydrogen sulfide and ammonia levels determined by continuous monitors at fixed sites

- Ten sites near largest CAFO's planned by spring of 2004, six in place in spring of 2003
- Monitors operated by technicians from the University of Iowa Hygienic Laboratory

Odor intensity determined using "field olfactometers" or "scentometers" – portable devices that dilute odorous air with a known amounts of odor – free air

- Odor observers screened for over or under sensitivity
- Measurements taken downwind of facilities, downwind of manure application areas and in response to complaints
- Monitoring performed by field office staff

#### Odor Threshold Definition

For the purposes of the odor study, an exceedance of the odor threshold at a monitoring location is determined if two odor readings separated by at least 15 minutes but not more than 1 hour both indicate that livestock odor is detectable at a seven to one dilution of odor free to ambient air.

#### Preliminary Results of Odor Study (8-12-03)

- To date 74 surveys have been taken; 58 measurements downwind of CAFO's, 6 near manure application areas and 10 at separated locations.
- Nine exceedances have been measured; eight downwind of CAFO's, and one downwind of a manure application area.

#### Fixed CAFO Monitoring Sites

- Hydrogen sulfide, ammonia, wind speed and direction are measured
- Close to largest animal feeding operations for hogs, beef cattle, dairy cattle and chickens
- Sited in wind directions that give rise to highest concentrations
- All sites in ambient air (off CAFO property)

Realtime hydrogen sulfide and ammonia data and odor study results may be found at: <http://www.iowacleanair.com/current/current.htm>

(a slide handout sheet was given to Commissioners)

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#### **REFERRALS TO THE ATTORNEY GENERAL**

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its

position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a) David Harper, dba Harper's Marina/Jolly Roger Campground (Johnson County) – drinking water.

Mike Murphy explained that David Harper operates Jolly Roger Campground. He serves about 65 customers and 6 employee's water daily. An ongoing problem is that he does not do any monitoring. An administrative order was issued to perform the monitoring, give public notice, \$600.00 penalty and become a certified operator. He did not respond to the order, so we are asking you to refer Mr. Harper to the Attorney General.

*Motion was made by Darrell Hanson to refer David Harper to the Attorney General. Seconded by Terry Townsend. Motion carried unanimously.*

**REFERRED**

#### **PROPOSED CONTESTED CASE DECISION – CASS COUNTY AND CASS COUNTY ENGINEER**

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

On January 14, 2003, the department issued Administrative Order No. 2003-AQ-03 to Cass County and the Cass County Engineer. The Order required the company to comply with dust control requirements and to pay a penalty of \$5,000. The Order was appealed, and the matter proceeded to administrative hearing on July 18, 2003. The Administrative Law Judge issued the attached Proposed Decision on August 1, 2003. The decision reverses the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

**NO ACTION TAKEN**

## MONTHLY REPORTS

Wayne Giesleman, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
August 1, 2003

Proposal	Notice to Commission	Notice Published	Arc #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	Arc #	Rules Review Committee	Rule Effective
1. Ch. 21, Ch. 22, Ch. 23 and Ch. 25 – Air Quality Program Rules – Updates, Revisions and Additions	5/19/03	6/11/03	2525 B	7/08/03	7/15/03	7/16/03	8/18/03	*8/18/03	*9/17/03		*10/06/03	*10/22/03
2. Ch. 22 – Air Construction Permitting Exemptions	4/21/03	5/14/03	2467 B	6/09/03	6/13/03	6/13/03	7/21/03	7/21/03	*9/03/03		*10/06/03	*10/08/03
3. Ch. 22 – Air Construction Permitting Exemption for Small Units	8/18/03	*9/17/03		*10/06/03	*10/07/03	*10/17/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
4. Ch. 23 – Emission Standards for Contaminants – Open Burning	6/16/03	7/09/03	2597 B	8/05/03	8/07/03	8/13/03	*9/15/03	*9/15/03	*10/15/03		*11/04/03	*11/19/03
5. Ch. 40, 41, 42, 43, 44, 81 and 83 – Drinking Water Operator Certification and Lab Certification Programs	8/18/03	*9/17/03		*10/06/03	10/7,8,10, 13-15/03	*10/17/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
6. Ch. 61 – Water Quality	8/18/03	*9/17/03		*10/06/03	10/7,9,10, 13,15,17/03	*10/31/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04

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Standards												
7. Ch. 64, 69 – Renewal of General Permit	5/19/03	6/11/03	2526 B	7/08/03	7/01-10/03	7/11/03	*9/15/03	*9/15/03	*10/15/03		*11/04/03	*11/19/03
8. Ch. 65 – Animal Feeding Operations – Construction Standards	7/21/03	*8/20/03		*9/02/03	*9/11/03	*9/11/03	*10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03
9. Ch. 90, 91, 92 and 93 – Water Pollution Control – Updates, Revisions and Additions	6/16/03	7/09/03	2595 B	8/13/03	7/30, 31/03 8/04/03	8/04/03	*9/15/03	*9/15/03	*10/15/03		*11/04/03	*11/19/03
10. Ch. 117 – Waste Tire Management	7/21/03	*8/20/03		*9/02/03	*9/13/03	*9/13/02	*10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03

Variance Report July 2003					
Facility	Program	Engineer	Subject	Decision	Date
BG Salvage-Maquoketa	Air Quality		Permit Requirements	Approved	07/02/03
Enterprise Products Operating, LP-Johnson County	Air Quality		Permit Requirements	Denied	07/03/03
Equistar Chemicals, LP-Clinton	Air Quality		Permit Requirements	Approved	07/30/03
Harvey Products-Harvey	Air Quality		Fugitive Dust	Denied	07/02/03
MidAmerican Energy-Sioux City	Air Quality		Permit Requirements	Approved	07/01/03
River Cities Business Park-Davenport	Air Quality		Permit Requirements	Approved	07/30/03
The Dexter Company-Fairfield	Air Quality		Permit Requirements	Denied	07/24/03

Tyson Foods, Inc.-Storm Lake	Air Quality		Permit Requirements	Approved	07/09/03
Tyson Foods, Inc.-Storm Lake	Air Quality		Permit Requirements	Approved	07/21/03
Burlington, City of	Wastewater Construction	Burlington City Engineer	Manhole Spacing	Approved	07/07/03
Burlington Northern Santa Fe Railway-Dry Creek-Lee County	Flood Plain	Parsons Corporation	Freeboard	Approved	07/27/03
Lake Wapello Dam Spillway-Davis County	Flood Plain	Stanley Consultants	Storm/Storage Capacity	Approved	07/08/03
Basic Materials Corporation-Black Hawk County	Solid Waste		Permit Exemptions	Approved	07/11/03
Biosolids Management Group, Inc.-Boone County	Solid Waste		Permit Exemptions	Approved	07/09/03
Wright County Transfer Station-Eldora	Solid Waste		Fencing Requirements	Approved	07/28/03
Audubon, City of	Watersupply Construction	JEO Consulting Group	Siting Criteria	Approved	07/22/03
Oakwood Park-Clear Lake	Watersupply Construction	Yaggy Colby Associates	Siting Criteria	Approved	07/23/03

**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Hazardous Conditions**

During the period July 1, 2003, through July 31, 2003, 60 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	55 (73)	4 (9)	40 (51)	11 (13)	18 (28)	32 (36)	1 (2)	2 (0)	0 (2)	2 (5)
November	57 (72)	13 (8)	29 (49)	15 (15)	18 (28)	36 (33)	0 (2)	0 (1)	1 (0)	2 (8)
December	40 (57)	2 (2)	27 (44)	11 (11)	12 (22)	24 (28)	1 (2)	2 (0)	0 (2)	1 (3)
January	40 (81)	6 (4)	17 (59)	17 (18)	12 (21)	24 (53)	1 (0)	2 (3)	0 (0)	1 (4)
February	39 (62)	1 (4)	29 (44)	9 (14)	11 (20)	18 (37)	1 (1)	6 (2)	0 (1)	3 (1)
March	38 (93)	5 (8)	22 (68)	11 (17)	8 (27)	24 (57)	1 (1)	2 (1)	0 (3)	3 (4)
April	78 (155)	29 (47)	34 (83)	15 (24)	23 (44)	44 (99)	1 (2)	1 (1)	2 (5)	7 (4)
May	79 (112)	25 (29)	43 (73)	11 (10)	29 (22)	40 (81)	1 (0)	1 (2)	1 (0)	7 (7)
June	74 (117)	13 (20)	48 (79)	13 (18)	34 (31)	28 (70)	0 (6)	2 (0)	2 (1)	8 (9)
July	60 (101)	9 (6)	35 (71)	16 (24)	11 (21)	39 (73)	3 (3)	1 (1)	0 (0)	6 (3)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>560 (923)</b>	<b>107 (137)</b>	<b>324 (621)</b>	<b>129 (164)</b>	<b>176 (264)</b>	<b>309 (567)</b>	<b>10 (19)</b>	<b>19 (11)</b>	<b>6 (14)</b>	<b>40 (48)</b>

Total Number of Incidents Per Field Office This Month

(numbers in parentheses for same period last year)  
\*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
7	12	7	8	17	9

**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Manure Releases**

During the period July 1, 2003, through July 31, 2003, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	10 (4)	0 (0)	5 (2)	1 (2)	4 (0)	9 (3)	1 (0)	0 (1)	0 (0)	1 (2)
November	12 (9)	0 (1)	4 (2)	3 (2)	5 (4)	12 (8)	0 (1)	0 (0)	0 (0)	0 (1)
December	5 (3)	0 (0)	1 (2)	0 (0)	3 (1)	3 (2)	0 (0)	1 (1)	0 (0)	0 (1)
January	3 (1)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	1 (0)
February	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)

March	1 (3)	0 (0)	1 (1)	0 (1)	0 (1)	1 (2)	0 (1)	0 (0)	0 (0)	0 (1)
April	3 (6)	0 (0)	2 (4)	0 (1)	0 (1)	1 (6)	1 (0)	0 (0)	0 (0)	0 (3)
May	7 (6)	0 (0)	5 (3)	1 (3)	1 (0)	7 (2)	0 (4)	0 (0)	0 (0)	1 (3)
June	4 (0)	0 (0)	3 (0)	0 (0)	1 (0)	3 (0)	0 (0)	1 (0)	0 (0)	1 (0)
July	2 (4)	0 (1)	1 (2)	0 (1)	1 (0)	2 (2)	0 (2)	0 (0)	0 (0)	0 (2)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>48 (36)</b>	<b>0 (2)</b>	<b>25 (17)</b>	<b>5 (10)</b>	<b>0 (0)</b>	<b>41 (26)</b>	<b>2 (8)</b>	<b>2 (2)</b>	<b>0 (0)</b>	<b>5 (13)</b>

\(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	2	0	0	0

**DATE:** August 1, 2003

**TO:** EPC

**FROM:** Mike Murphy

**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Cedar Rapids, City of (1)	Wastewater	Monitoring/Reporting	Order/Penalty \$1,000	7/03/03
Cargill, Inc., Iowa Falls (2)	Air Quality	Other Violations	Consent Order	7/08/03
Cargill, Inc. Sioux City (3)	Air Quality	Other Violations	Consent Order	7/08/03
LeGrand, City of (5)	Drinking Water	Monitoring/Reporting – Other; Public Notice	Order	7/11/03
Stone-Path IV L.L.C., Carroll Co. (4)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	7/16/03
Smokey Farms Finishing, Carroll Co. (4)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	7/16/03
Mahogany Partnership, Carroll Co. (4)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	7/16/03
Black Walnut and English Walnut, Carroll Co. (4)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	7/16/03
Harlan, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Order	7/16/03
The Westfair Association, Council Bluffs (4)	Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria; Permit Renewal Fees; Public Notice	Order/Penalty \$1,500	7/16/03
Osceola Foods, Inc., Osceola (5)	Wastewater	Pretreatment	Order/Penalty \$5,000	7/16/03
Ames Trenching & Excavating, Ames (5)	Air Quality	Asbestos	Order/Penalty \$3,600	7/16/03
Albert Miller, Kalona (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	7/21/03
Roger Lamfers, Lyon Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	7/21/03

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Tom Schramm, Sac Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$500	7/21/03
Lawrence Handlos, Audubon Co. (4)	Animal Feeding Operation Wastewater	Construction Without Permit; Failure to Submit MMP: Operation Violations; Stormwater – Operation Without Permit	Referred to AG	7/21/03
Carl Simon, Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Referred to AG	7/21/03
Dana Schlag d/b/a Plantation Village MHP, Burlington (6)	Drinking Water	Monitoring/Reporting – Radioactivity; MCL – Radioactivity; Public Notice; CCR	Referred to AG	7/21/03
Mike Messerschmidt, Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to AG	7/21/03
Cargill, Inc., Cedar Rapids (1)	Air Quality	Other Violations	Consent Order	7/21/03
Asbestos Removers, Inc., Ashton (3)	Air Quality	Asbestos	Order/Penalty \$3,100	7/23/03
M.E.D.A., Anamosa (1)	Air Quality	Asbestos	Order/Penalty \$2,000	7/23/03
Clinton County Area Solid Waste Agency, Clinton Co. (6)	Solid Waste	Cover Violations; Other Violations	Order/Penalty \$2,000	7/24/03
Rittmer, Inc., Clinton Co. (6)	Solid Waste Air Quality	Cover Violations; Other Violations; Open Burning	Order/Penalty \$10,000	7/24/03

## IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

**DATE:** August 1, 2003  
**TO:** Environmental Protection Commission  
**FROM:** Michael P. Murphy  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02

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St. John's Lutheran Church (Greene)	WS	250	7-02-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000	9-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Rayburn Court for Mobile Homes (Mason City)	WS	500	11-24-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040	1-06-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	200	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	1,300	3-01-02
Lidderdale, City of	WS	500	3-04-03
Cargill, Inc. (Cedar Rapids) SEP	AQ	1,000	3-11-03
Nevada, City of SEP	WW	3,000	3-14-03
* Allison, City of	AQ	1,000	6-01-03
Lidderdale, City of	WW	10,000	4-08-03
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	4-09-03
Iowa City Ready Mix, Inc. (Iowa City)	WW	1,000	4-19-03
John and Bernice Danner (Lucas Co.)	WW	2,000	4-28-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
# James Masching (Carroll Co.)	AFO/WW	5,000	6-25-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Larry Pogue; Independence MHP (Independence)	WS	2,000	6-30-03
# Kevin Hohbach (Taylor Co.)	AFO	2,000	6-30-03
* Rocky Knoll Mobile Home Park (Forest City)	WS	2,000	7-01-03
*#Robert Fisher (Hamilton Co.)	AFO	600	8-01-03
# James Bolter (Kalona)	AFO	5,000	7-11-03
# Percy Zylstra (Osceola Co.)	AFO	2,000	7-12-03
Pita Corporation; Larry Swanson (Grinnell)	UT	750	7-13-03
Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600	7-14-03
* Paul L. Nagle (Clear Lake)	AQ	100	7-15-03
#*Daniel E. Wilson (Prairie City)	AFO	1,000	8-01-03
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,750	8-01-03
# New Horizons Pork, LLP (Fayette Co.)	AFO	500	8-01-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
Johnny B Good's (Dyersville)	WS	500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000	8-18-03
# Luke and Charlie Kollasch (Palo Alto Co.)	AFO	750	8-18-03
Tom Vittetoe (Washington)	AQ	1,000	8-19-03
Foods, Inc.; Dahls Foods (Dallas Co.)	WW	1,000	8-25-03
Midway Water & Lighting Co. (Marion)	WS	1,000	8-26-03
Leroy Havel (Washington Co.)	SW	1,300	8-27-03
# Brett Bachman (Sac Co.)	AFO	750	8-30-03

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# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500	8-31-03
Bruty Lumber, Inc. (Washington)	AQ/SW	4,000	8-31-03
Cedar Rapids, City of	WW	1,000	9-07-03
# Stone-Path IV LLC (Carroll Co.)	AFO	750	9-19-03
# Smokey Farms Finishing (Carroll Co.)	AFO	750	9-19-03
# Mahogany Partnership (Carroll Co.)	AFO	750	9-19-03
# Black Walnut & English Walnut (Carroll Co.)	AFO	750	9-19-03
Osceola Foods, Inc. (Osceola)	WW	5,000	9-19-03
Ames Trenching & Excavating, Inc. (Ames)	AQ	3,600	9-23-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
Independence Mobile Home Park (Independence)	WS	800	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Walter's Investments, Inc.; David Walters (Warren Co.)	WW	8,000	-----
# Roger Lamfers (Lyon Co.)	AFO	750	-----
# Tom Schramm (Sac Co.)	AFO	500	-----
Albert Miller (Kalona)	AQ/SW	10,000	-----
M.E.D.A. (Anamosa)	AQ	2,000	-----
Asbestos Removers, Inc. (Ashton)	AQ	3,100	-----
Rittmer, Inc. (Clinton Co.)	AQ/SW	10,000	-----
Clinton Co. Area Solid Waste Agency (Clinton Co.)	SW	2,000	-----
<b>TOTAL</b>		<b>363,738</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Baillard (Payette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Summer)	UT	4,000	10-12-99
Darryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02

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# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Air Bears II (Thompson)	WS	300	7-13-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
* Bog's Bar (Langworth)	WS	200	6-19-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
<b>TOTAL</b>		<b>223,289</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000



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Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	10,000
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
Larry Whitehead (Sidney)	UT	10,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Ankeny, City of	WW	10,000
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
Cass County; Cass County Engineer	AQ	5,000
Audubon, City of	WW	10,000
Langman Construction, Inc. (Bettendorf)	WW	10,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshiek Co.)	AFO	4,000
Fran-Gard Properties, Inc.; Frank Gardner (Cedar Rapids)	WW	10,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000

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# Tim Schrock; Devon Schrock (Washington Co.)	AFO	4,000
# Gary Muller (Griswold)	AFO	5,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# Larry Noel (Floyd Co.)	AFO	2,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Frederika's Stein & Dine (Frederika)	WS	2,875
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	3,400
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Ankeny, City of	WS	1,000
Ankeny, City of	WW	10,000
Muscatine Used Parts, Inc. (Muscatine)	SW/WW	10,000
Ron Fisher Furniture (Marshalltown)	AQ	3,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Richard Bockenstedt (Delaware Co.)	AFO	2,000
Larry Nuehring (Rockwell)	AQ/SW	500
# Denny Holtrip (Cherokee Co.)	AFO	750
Westfair Association, The (Council Bluffs)	WS	1,500
<b>TOTAL</b>		<b>521,810</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Moonshine Tap (New Hampton)	WS	50
* Winter Mobile Home Park (New Hampton)	WS	50
Keokuk County; Keokuk County Engineer	AQ/SW	2,000
# Carl Eklund (Union Co.)	AFO	1,000
* George Redman (Mitchellville) PAID IN FULL	AQ	2,250
* Joe & Mary Schuster d/b/a Better-Flo PAID IN FULL	AQ/SW	700
*#Robert Fisher (Hamilton Co.)	AFO	100
#*Daniel E. Wilson (Prairie City)	AFO	500
David Elias (Iowa City)	WW	1,000
Carleton Tansport Service, Inc. (Sioux Rapids)	WW/HC	2,000
Matter's Ballroom (Decorah)	WS	150
Cecil McCuen (Montgomery, Page Co.)	WW/SW/AQ	1,000
<b>TOTAL</b>		<b>10,800</b>

The following penalties have been removed from the report:

Dennis Huedepohl; Breckenridge Estates (Iowa City)	WW	500
Charlie's Supper Club (Algona)	WS	100
*Ken Frese (Keokuk Co.)	AQ/SW	175
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000
Clara Lindstadt (Des Moines Co.)		
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000
Deer Ridge Estates (Ottumwa)	WS	100
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	WS	10,000
Richard Ogden (Manchester)	WS	2,500
Sid's Gas & Groceries (Forest City)	WS	200
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Lester Holmes; Todd Holmes (Lucas Co.)	AQ	4,000
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000

## Environmental Protection Commission Minutes

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Department of Natural Resources  
Environmental Protection Commission  
Attorney General Referrals  
August 1, 2003

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Ruling for Defendants Motion to Enlarge	3/20/00 4/19/00 2/26/01 4/20/01 3/31 to 4/02/03 6/17/03 6/27/03
Barton, Randy and Theresa Kellerton (4)	Air Quality	Open Burning	Order/Penalty	Referred Order Granting Judgment	10/21/02 5/27/03
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment	2/18/02 8/08/02 1/27/03 4/17/03
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reportin g-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03
Bulk Petroleum Corp.; Store #536 Store #537 Des Moines (5)	Underground Tank	Record Keeping	Order/Penalty	Referred	3/17/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02
Handlos, Lawrence Audubon Co. (4)	<b>NEW</b> Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	7/21/03

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Hansel, Dave Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator	Order/Penalty	Referred	2/17/03
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed Tier I Assessment Completed by New Owner Tier II Assessment in Progress Closed	11/21/94 4/18/96 9/20/96 9/20/96   7/01/03
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed Trial Date	2/18/02 2/03/03 1/27/04
Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	11/18/02
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Reporting- Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred	3/17/03
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition State's Motion for Partial Summary Judgment Order Regarding Partial Summary Judgment Order Regarding Civil Penalties (\$5,000/Admin.)	4/17/99 6/01/01 11/08/02 12/16/02 5/20/03
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Action Suspended	5/21/01 7/01/03
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Meixner, Larry; Air Bears II Thompson (2)	Drinking Water	Monitoring/Reporting Bacteria; Nitrate	Order/Penalty	Referred	4/21/03
Messerschmidt, Mike Keokuk Co. (6) <b>NEW</b>	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/21/03
M-F Real Estate, Inc.; Fred Levell Carter Lake (4)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Motion for Judgment Order Granting Judgment (\$3,200/Admin.)	9/16/02 2/14/03 3/17/03
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred	11/18/02
Moore, C. D. d/b/a Iowa Skate U	Drinking Water	Operation Without Permit;	Order/Penalty	Referred	5/19/03

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Iowa Falls (2)		Monitoring/Reporting Bacteria, Nitrate		—	
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03
Paplow, Dave Indianola (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	3/17/03
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Schaffler, Dale Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6) <b>NEW</b>	Drinking Water	MCL; Public Notice Monitoring/Reporting – Radioactivity	Order/Penalty	Referred	7/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred	7/21/03
Smesrud, Shannon d/b/a Bubba's Bar & Grill Cresco (1)	Drinking Water	Monitoring/Reporting- Nitrate; Public Notice	Order	Referred Referral Withdrawn	11/18/02 5/09/03
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4)	Underground Tank	UST Closure	Order/Penalty	Referred	2/17/03
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred	2/17/03
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6)	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection	Referred to Attorney General	Referred	3/17/03
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR	Referred to Attorney General	Referred	10/21/02

## Contested Case

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
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7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wormson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	<b>1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter. 7/31/03 – Letter to company attorney regarding settlement of appeal.</b>
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	2/03 – Site assessment underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	6/10/03 – Demand to proceed with completion of terms of settlement. Required to comply by 7/31/03 or mater will be set for hearing.
1/16/98	<b>Pilgrim Heights Camp</b>		<b>NPDES Permit Conditions</b>	<b>WW</b>	<b>Hansen</b>	<b>6/30/03 – Memo to wastewater permits staff regarding appeal. Camp manager agreed to permit as written. 8/1/03 – Dept. letter closing appeal. Case closed.</b>
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	<b>1/02/03 – Settlement reached pending remedial work and withdrawal of appeal. 7/29/03 – Draft remedial permit faxed to attorney for approval.</b>
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	<b>2/28/03 - New facilities are completed. 6/13/03 - Settlement discussion and offer. 8/01/03 – Settlement close.</b>
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	4/03 – Settled. Agreement reached. Consent order to be signed.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	<b>7/17/03 – Ven's letter agreeing to consider Dept. settlement offer and respond during August.</b>
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settled for \$3,000. Payment plan established. \$800 paid to date.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wormson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	<b>6/16-18/03 – Dept. received design schedules and revised plans and specs. 7/16/03 – Dept. staff met with City Administrator regarding city's request for change in schedule. Plans and specs under review by Dept. engineer.</b>
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction completed. Proof of costs submitted. Awaiting full closure of lagoons.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	<b>5/28/03 – Letter to Kronlage urging him to contact his attorney regarding settlement possibilities. 7/10/03 – Dept. counteroffer</b>

						<b>to Kronlage's settlement offer; awaiting attorney's response.</b>
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/03 – Negotiating before filing..
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
<b>11/22/00</b>	<b>Fansteel-Wellman Dynamics</b>	<b>4</b>	<b>Permit Conditions</b>	<b>SW</b>	<b>Tack</b>	<b>Permit amendment resolved appeal. Contested case has been dismissed. Case closed.</b>
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/03 – Negotiating before filing.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	<b>Settlement agreement. Hearing continued. Tier 2 received – approved high risk. Negotiate penalty and further corrective action.</b>
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	<b>7/31/03 – Dept. letter inviting settlement offer.</b>
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	<b>7/30/03 – FO5 inspection. Facility connected to city WW system. 8/1/03 – Dept. letter regarding settlement of penalty.</b>
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	<b>11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 7/23/03 – FO5 confirmed new company began operating plant. Dept. to issue order canceling penalty.</b>
<b>7/02/01</b>	<b>Bulk Petroleum Corp. d/b/a Citgo</b>	<b>5</b>	<b>Admin. Order/Penalty</b>	<b>UT</b>	<b>Wornson</b>	<b>Settled. Case closed.</b>
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	<b>Admin. Order/Penalty</b>	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by facility engineer. 4/03 – Revised consent order drafted.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	<b>Revised Tier 2 submitted. Waiting for DNR review decision. Negotiating penalty.</b>
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Compliance mostly achieved. Confirmation monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement. On hold until companion case resolved.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	<b>7/17/03 – Settled. Monthly installments to commence 8/1/03.</b>
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	4/10/03 – Erosion controls specified; monitoring for compliance.
<b>12/24/01</b>	<b>Joe &amp; Mary Schuster</b>	<b>2</b>	<b>Admin. Order/Penalty</b>	<b>AQ/SW</b>	<b>Preziosi</b>	<b>Settled. Penalty payment plan established. 7/15/03 – Penalty received in full. Case closed.</b>
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	7/1/03 – Order may be rescinded.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	6/24/03 – Site inspected; no change. 7/01/03 – Letter to attorney.
<b>1/14/02</b>	<b>George Redman</b>	<b>5</b>	<b>Order/Penalty</b>	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. 7/15/03 – Penalty paid in full. Case closed.</b>
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP

						attorney. 10/31/02 – Construction permit issued for improvement to lagoon system.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	<b>Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03. 6/03 – City requested continuance to do stream study regarding TKN and NH3N in stream. ALJ granted continuance. 7/25/03 – Dept. staff reviewing sampling plan for City's stream study.</b>
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	8/16/02 – First penalty payment received. Final payment due 9/15/02. Reminder letter sent 5/30/03.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement. 1/27/03 – Revised treatment agreement received from company attorney. 2/12/03 – Revised settlement offer sent by Co. attorney. 4/30/03 – Dept. response to settlement offer. 5/30/03 – Co. accepted Dept. counter offer. Consent Order to be drafted. 6/20/03 – Letter from Co. attorney regarding consent order.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	<b>Hearing held 6/10/03. ALJ decision 7/3/03. Appeal to EPC 8/1/03.</b>
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	<b>6/30/03 – Compliance status report requested from WS section. 7/29/03 – Report received from WS section.</b>
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	<b>Compliance initiated.</b>
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	<b>6/30/03 – Compliance status report requested from FO 3. 7/31/03 – Dept. letter regarding resolution of appeal.</b>
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Attorney left client. Start negotiating process over with Carlson.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
6/27/02	<b>Northwest Iowa Solid Waste Agency</b>	<b>3</b>	<b>Stipulated Penalties</b>	<b>SW</b>	<b>Tack</b>	<b>SEP agreement calls for the hiring of an educational coordinator by SW agency. Job description agreed upon. Coordinator hired. Case dismissed.</b>
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	<b>Hearing set for 9/22/03.</b>
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	Tank closure completed. Negotiating penalty.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Agreement to complete.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 – Amended order issued.



7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	<b>Partial settlement proposed. Hearing postponed indefinitely. Tier 2 submitted 3/3/03; no action required except free product reports.</b>
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	<b>Negotiating before filing. \$500 penalty payment received for uncontested portion. 12/02 – City requested to submit revised report. 7/31/03 – Report on status requested from FO.</b>
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	6/03 – Monitoring compliance.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Final payment offer made.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	Negotiating before filing.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	<b>Order/Penalty</b>	AQ/SW	Tack	<b>Clean-up underway. Expected to be completed by mid September, 2003. Penalty to be negotiated following clean-up.</b>
10/02/02	Sioux City, City of	3	<b>Permit Conditions</b>	FP	Clark	Negotiating before filing.
10/21/02	Caldwell Meats, Inc.; James Caldwell	5	<b>Order/Penalty</b>	UT	Wornson	Compliance initiated. Negotiating penalty.
10/24/02	Harold L. Foster; Carolyn Foster; Glolin, Inc.	4	<b>Order</b>	UT	Wornson	Fosters appealed. Glolin, Inc. and Webers did not. Tank closure completed. Negotiate penalty.
11/04/02	Walker Bros. Livestock Corp.	6	<b>Order/Penalty</b>	WW	Murphy	7/1/03 – Letter regarding resolution.
11/12/02	Audubon, City of	4	<b>Order/Restitution Claim</b>	WW	Murphy	<b>Settled. Awaiting SEP payment.</b>
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	<b>Order/Penalty</b>	WW/HC	Wornson	Tier 1 completed.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	<b>Order/Penalty</b>	AFO	Murphy	<b>7/2/03 – ALJ decision. 7/25/03 – DNR appeal.</b>
11/18/02	Randy Lewis & Lewis Contracting Co.	4	<b>Order/Penalty</b>	WW	Murphy	7/03 – Will inspect for compliance.
11/22/02	Schell Family Partnership	5	<b>Order/Penalty</b>	SW/HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	<b>Order/Penalty</b>	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	<b>Order/Penalty</b>	WW	Murphy	4/17/03 – Staff met with City. Monitoring compliance.
12/09/02	<b>Carleton Transport Service, Inc.</b>	3	Order/Penalty	<b>WW/HC</b>	<b>Murphy</b>	<b>7/25/03 – Penalty payment received. Case closed.</b>
1/13/03	Merrell Butler	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Glen Samuelson	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Butler Custom Pumping; Robert Butler	4	<b>Order/Penalty</b>	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Langman Construction; Charles Langman	5	<b>Order/Penalty</b>	WW	Murphy	7/01/03 – Sent to DIA.
1/14/03	Monsanto	2	<b>Order/Penalty</b>	AQ	Preziosi	Settled. Awaiting penalty payment.
1/24/03	Kuntz Farms, Inc.	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/27/03	Larry Whitehead	4	<b>Order/Penalty</b>	UT	Wornson	<b>Compliance completed except for penalty. Penalty settlement proposed.</b>
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	<b>Order/Penalty</b>	AFO	Tack	3/18/03 – Settlement offer sent.
1/29/03	Ankeny, City of	5	<b>Order/Penalty</b>	WW	Hansen	<b>7/18/03 – Informal meeting held. City sent settlement offer. Offer being reviewed by Dept. staff..</b>
1/31/03	DIWAN, L.L.C.	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
	Landfill of Des Moines, Inc.	5	<b>Order/Penalty</b>	SW	Tack	<b>Physical site closure completed. Waiting</b>

2/05/03						<b>for closure certification from engineer.</b>
2/06/03	Interstate Grain, Inc.	2	<b>Order/Penalty</b>	AQ	Book	6/13/03 – Penalty paid. Awaiting signed consent amendment.
2/10/03	Doug Osweiler	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
2/11/03	Cass County; Cass County Engineer	4	<b>Order/Penalty</b>	AQ	Book	<b>Hearing held 7/18/03.</b>
2/14/03	United Suppliers, Inc.	5	<b>Permit Conditions</b>	WW	Hansen	3/03 – Appeal reviewed by WW permits section.
2/24/03	Ray Slach	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/28/03	Ankeny, City of	5	Permit Conditions	WS	Hansen	<b>5/23/03 – FO5 and WS section met with City regarding permit requirements. Appeal resolved. Dept. letter sent regarding rescinding permit under appeal and reverting back to prior permit. Case closed.</b>
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/06/03	Fran-Gard Properties, Inc.; Frank Gardner	1	<b>Order/Penalty</b>	WW	Murphy	6/19/03 – Settled. Awaiting SEP payment.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/26/03	Dan Wilson	5	<b>Order/Penalty</b>	AFO	Clark	6/02/03 – Settled. Monthly installments to commence 7/01/03.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	<b>Order/Penalty</b>	AFO	Murphy	Negotiating before filing.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	<b>Order/Penalty</b>	AFO	Murphy	Negotiating before filing.
4/09/03	Gary Muller	4	<b>Order/Penalty</b>	AFO	Book	Consent amendment sent to Muller for review.
4/14/03	Tim Schrock; Devon Schrock	6	<b>Order/Penalty</b>	AFO	Book	Settled. Consent amendment being issued.
4/22/03	David Elias	6	Order/Penalty	WW	Book	<b>Settled. 7/18/03 – Penalty payment received. Case closed.</b>
4/25/03	Ag Processing Inc.	2	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/03/03	<b>Keokuk County; Keokuk County Engineer</b>	6	Order/Penalty	AQ/SW	Book	<b>Settled. 7/08/03 – Penalty payment received. Case closed.</b>
5/07/03	Frederika's Stein & Dine	1	<b>Order/Penalty</b>	WS	Hansen	To be set for hearing.
5/12/03	Carl Eklund	4	Order/Penalty	AFO	Clark	<b>Settled. 7/07/03 – Penalty payment received. Case closed.</b>
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	<b>Order/Penalty</b>	AFO	Murphy	Negotiating before filing.
5/15/03	Larry E. Noel	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
5/21/03	Natural Pork Production II (03-AFO-26)	4	<b>Order/Penalty</b>	AFO	Murphy	<b>Working on stipulation to be filed with ALJ.</b>
5/27/03	Casey's General Store #2472	6	<b>Order/Penalty</b>	WS	Murphy	Negotiating before filing.
5/27/03	Rural Iowa Waste Mgmt. Assoc.	2	<b>Order/Penalty</b>	SW	Tack	<b>Settlement offer sent 7/9/03.</b>
5/28/03	Denny Geer	4	<b>Order/Penalty</b>	SW	Tack	<b>Clean-up progressing well. Penalty to be negotiated after cleanup is completed.</b>
5/30/03	Gingerich Well & Pumping Service, LLC	6	<b>Order/Penalty</b>	WS	Wornson	<b>Informal settlement meeting.</b>
6/17/03	<b>Johnny B Good's</b>	1	Order/Penalty	WS	Murphy	<b>Order rescinded as to appellant. Case closed.</b>
6/20/03	Muscatine Used Parts, Inc.	6	<b>Order/Penalty</b>	WW/SW	Tack	<b>Current compliance achieved. Waiting for disposal records. Settlement conference set for 8/12/03.</b>
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/23/03	Ankeny, City of	5	<b>Order/Penalty</b>	WW	Hansen	<b>Informal meeting held. Settlement offer received from City. Offer under review by Dept.</b>
6/23/03	Ankeny, City of	5	<b>Order/Penalty</b>	WS	Hansen	<b>Informal meeting held. Settlement offer received from City. Offer under review by Dept.</b>
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
7/07/03	Ron Fisher Furniture	5	<b>Order/Penalty</b>	AQ	Preziosi	New case.
	Country Terrace MHP	5	<b>Order/Penalty</b>	WW	Hansen	<b>New case. 7/10/03 – Dept. letter to owner.</b>

7/09/03						
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	New case.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/SW	Tack	New case.
7/16/03	Richard Bockenstedt	1	Order/Penalty	AFO	Murphy	New case. 7/23/03 – Settlement offer.
7/17/03	Larry Nuehring	3	Order/Penalty	AQ/SW	Tack	New case.
7/23/03	Denny Holtrip	3	Order/Penalty	AFO	Clark	New case.
7/28/03	Westfair Association, The	4	Order/Penalty	WS	Hansen	New case. To be set for hearing.

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period July 1, 2003 through July 31, 2003, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '02	5(9)	1.4	.0291	4	0(0)
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.019	4	0(0)
June '03	6(3)	0.290	0.019	3	0(0)
July '03	5(6)	0.496	0.580	2	0(0)
August '03					
September '03					

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	0	1	0	0	1

**INFORMATIONAL ONLY**

## GENERAL DISCUSSION

Donna Buell asked to hear comments back about the wastewater permit that was issued to Agri-Processors. There seemed to be a few complaints regarding this issue from the public.

Jack Reissen said that the Department will come back within the next couple of months to discuss details regarding this permit. We will do this in a closed session.

Wayne Gieselman discussed the following items to the Commission:

- Soybeans and nitrogen application – That is a historical thing. A past EPC Commission approved the rules for nitrogen application. In fact, Iowa State says that they will utilize that nutrient value.

Jerry Peckumn asked if we have anything in writing stating the facts about nitrogen application from Iowa State. He would like to read the research.

Wayne Gieselman said that he will check to see what he has regarding this issue. He also said that he will be meeting with Mr. Schultz from Allamakee County and talk to him about Agri-Processors and the need for a manure management plan.

#### **NEXT MEETING DATES**

September 15, 2003

October 20, 2003 – Des Moines Water Works

November 17, 2003

#### **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 3:55 p.m., on Monday, August 18, 2003.

<i>Motion was made by Lisa Davis Cook to adjourn the meeting. Seconded by Lori Glanzman. Motion carried unanimously.</i>
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Jeffrey R. Vonk, Director

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Kathryn Murphy, Chair

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Lisa Davis Cook, Secretary

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